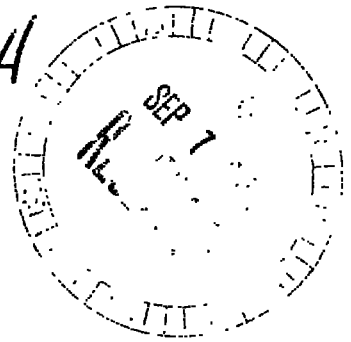


**WEINER
BRODSKY
SIDMAN
KIDER PC**

23294



September 7, 2012

BY HAND DELIVERY

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

FILED
SEP 7 - 2012
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
SEP 7 - 2012
Part of
Public Record

Re: Docket No. AB-1097 Pickens Railway Company – Abandonment in
Pickens County, South Carolina

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the Verified Notice of Exemption of Pickens Railway Company, pursuant to 49 C.F.R. § 1152.50. Also enclosed is our check in the amount of \$3,700 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours

Rose-Michele Nardi
Rose-Michele Nardi

Enclosures

FEE RECEIVED

SEP 7 2012

**SURFACE
TRANSPORTATION BOARD**

232941

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097 X

**PICKENS RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
PICKENS COUNTY, SOUTH CAROLINA**

VERIFIED NOTICE OF EXEMPTION

**ENTERED
Office of Proceedings**

SEP 7 - 2012

**Part of
Public Record**

PICKENS RAILWAY COMPANY

By its attorneys:

**Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000**

FEE RECEIVED

SEP 7 2012

**SURFACE
TRANSPORTATION BOARD**

Dated: September 7, 2012

FILED

SEP - 2012

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

VERIFIED NOTICE OF EXEMPTION

Pursuant to the Surface Transportation Board's (the "Board's") regulations at 49 CFR § 1152.50, Pickens Railway Company ("PICK") files this Verified Notice of Exemption ("Notice") from the prior approval requirements of 49 U.S.C. § 10903. for the abandonment of approximately 8.5 miles of a rail line located in Pickens County, South Carolina (the "Subject Line"). The Subject Line runs from approximate milepost 0.0 (at or near Pickens, SC) to the end of the line at approximate milepost 8.5 (at or near Easley, SC). (The Subject Line does not include adjacent parcels of property beyond PICK's right-of-way. The width of PICK's right-of-way is generally about 25 feet on each side of the centerline of the track on the Subject Line, but in some areas is less than 25 feet.) A map of the Subject Line is attached hereto as Exhibit A.

In accordance with the Board's regulations at 49 CFR § 1152.50(d), PICK provides the following:

1. *Proposed Consummation Date.*

The abandonment by PICK of the Subject Line will not be consummated before October 27, 2012.

2. *Certification Required in 49 CFR § 1152.50(b).*

The required certification is provided as Exhibit B to this Notice.¹

3. *Information Required in 49 CFR §1152.22 (a)(1) - (4), (7) and (8), and e(4).*

(a)(1) *Name of Applicant.*

Pickens Railway Company

(a)(2) *Common Carrier Status.*

PICK is a class III common carrier by railroad, subject to 49 U.S.C. Subtitle IV, chapter 105.

(a)(3) *Relief Sought.*

PICK seeks exemption from the Board's regulations to abandon the Subject Line.

(a)(4) *Map of Subject Line.*

A map showing the location of the Subject Line is attached hereto as Exhibit A.

(a)(7) *Representative of Applicant.*

Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

(a)(8) *Postal Service Zip Codes.*

The Subject Line runs through United States Postal ZIP Codes 29671 and 29641.

¹ PICK has used the Subject Line to access a Pickens-owned locomotive shop to repair or rebuild locomotives; however, there has been no rail cars (as opposed to locomotives) on the line for more than two years. Under these circumstances, the use of the class exemption procedure is appropriate. See STB Docket No. AB-33 (Sub-No. 137X), *Union Pacific Railroad Company – Abandonment Exemption – In Ada County, ID*, served August, 6, 1999 (noting "[t]he movement of locomotives without cars, that neither originate nor terminate traffic on the line, does not invalidate use of the class exemption procedures").

(e)(4) *Suitability for Public Purposes and Restrictions on Title.*

The right-of-way is suitable for other public purposes, such as a recreational trail. PICK believes the right-of-way is subject to reversionary interests that would affect the transfer of title or the use of property for other than rail purposes.

Based on information in PICK's possession, the line does not contain federally granted rights-of-way. Any documentation in PICK's possession will be made available promptly to those requesting it.

4. *Labor Protection.*

This class exemption does not relieve PICK of its obligation to protect the interests of its employees. No employees should be adversely affected as a result of the abandonment; however, PICK anticipates that the Board will impose the conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen Branch*, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. *Environmental and Historic Report.*

On June 18, 2012, PICK sent a notice of the proposed abandonment of the Subject Line (the "Initial Letter") to appropriate federal and state agencies and county commissioners (the "Agencies"). On August 17, 2012, PICK sent its Environmental and Historic Report (the "Report") to the Agencies. The Report included correspondence received from the Agencies through August 17, 2012. A copy of the Report (which included a Certificate of Service), as well as a sample transmittal letter, is attached hereto as Exhibit C.

Subsequent to that date, PICK received further correspondence from the following: (1) Jill Stewart, Manager of the Stormwater Permitting Section of the Bureau of Water, at South Carolina's Department of Health and Environmental Control, (2) Nicole Liette, Project Manager of the Charleston District of the Corps of Engineers, (3) Greg Mixon, Inland Environmental Coordinator of the South Carolina Department of Natural Resources; and (4) Curtis M. Joyner, Manager of the Coastal Zone Consistency Section of the Regulatory Division, at South Carolina's Department of Health and Environmental Control. A copy of each of those correspondence is attached hereto as Exhibit D.

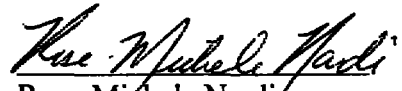
Pursuant to the letter from Ms. Stewart, PICK sent Scottie Ferguson, at Pickens County Stormwater Management, a copy of both Ms. Stewart's letter and the Report. Pursuant to the correspondence from Nicole Liette, PICK provided the requested clarification. A copy of each of the cover letter to Ms. Ferguson and

PICK's response to Ms. Liette's most recent correspondence is attached hereto as Exhibit E.

6. *Notice Requirements.*

A Certificate of Publication is attached hereto as Exhibit F. A Certificate of Service regarding the Initial Letter, as well as a sample of the Initial Letter, is attached hereto as Exhibit G.² As noted above, a Certificate of Service regarding the Report, as well as a sample of the transmittal letter, is attached hereto as Exhibit C.

Respectfully submitted,



Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

Attorneys for:

Pickens Railway Company

Dated: September 7, 2012

² Pursuant to 49 C.F.R. § 1152.50(d)(1), and as further described on the above-referenced Certificate of Service, the Initial Letter was served on (1) the U.S. Department of Agriculture, Forest Service; (2) MTMCTEA, Railroads for National Defense Program; (3) National Park Service (three separate offices); and (4) Commissioner Randy Mitchell, Public Service Commission of South Carolina (District 3).

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

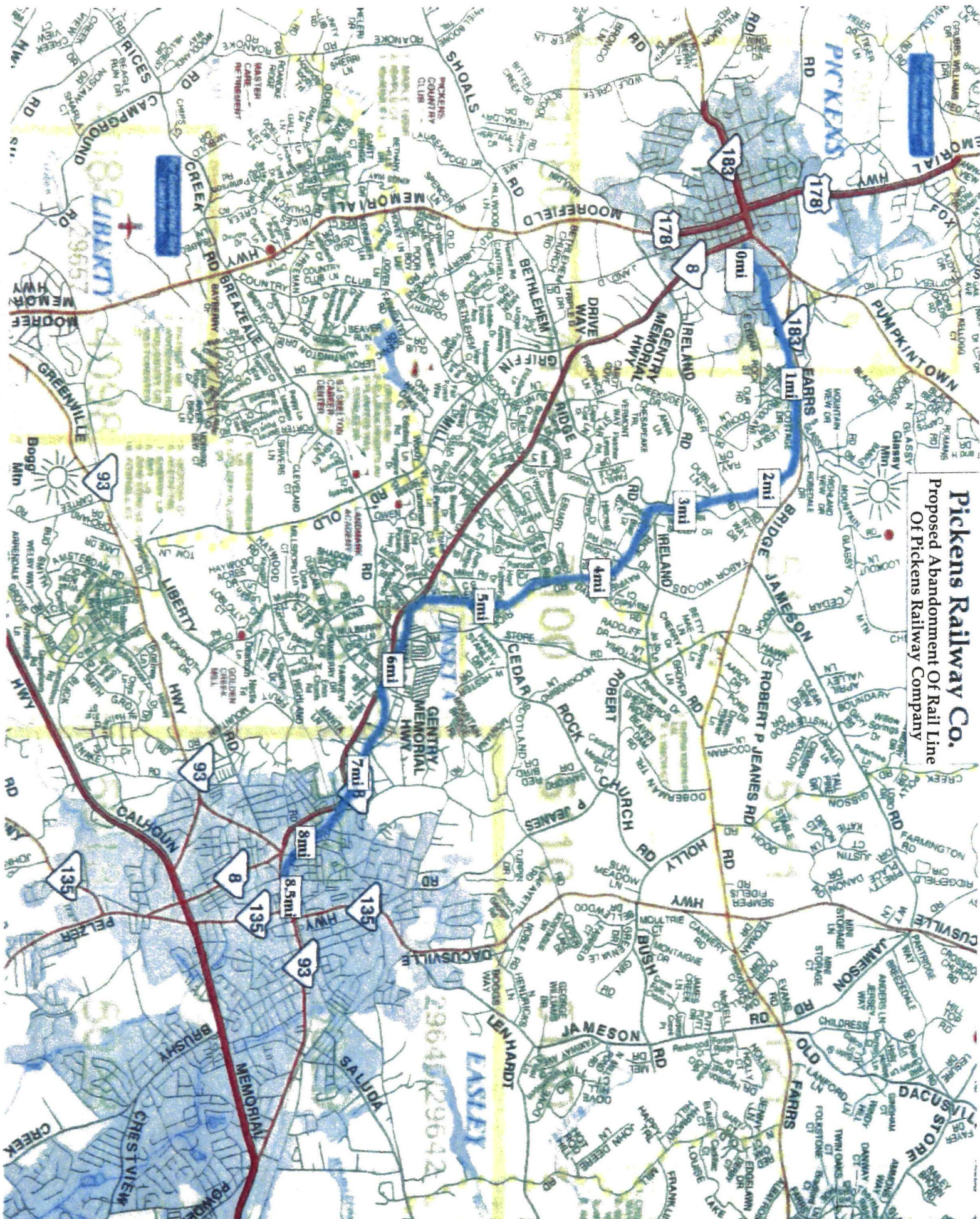
**PICKENS RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT A

MAP OF SUBJECT LINE

Pickens Railway Co.

Proposed Abandonment Of Rail Line
Of Pickens Railway Company



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

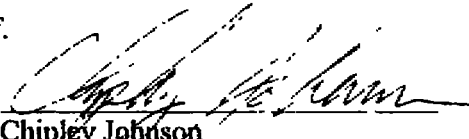
**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT B

CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

In accordance with 49 CFR § 1152.50(b), I, Chipley Johnson, President of Pickens Railway Company, hereby certifies to the best of his knowledge, information and belief, that, with respect to the rail line subject to this Verified Notice of Exemption in Docket No. AB-1097: (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic on the line, if any, can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period preceding the date hereof.


Chipley Johnson

Dated: September 7, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT C

**ENVIRONMENTAL AND HISTORIC REPORT
(INCLUDING CERTIFICATE OF SERVICE) AND
SAMPLE TRANSMITTAL LETTER**

ENVIRONMENTAL REPORT

1. Proposed Action and Alternatives. (§ 1105.7(e)(1))

The Company seeks authority to abandon service over the Subject Line. No shipper has moved any traffic over the Subject Line in over two years.¹ It is intended that permanent cessation of common carrier rail service over the Subject Line will result in the elimination of 16 railroad public road crossings and 11 railroad private crossings.

The Company plans to hire a contractor to remove the rail² from the Subject Line. However, the Company intends to leave the ties, ballast, bridges and culverts in place. More specifically, the salvage activities generally will involve unbolting jointed rail with hand tools, and will be similar to the type of activity performed when rail on an active line is repaired and/or replaced. The rail will be disposed either by (1) dragging the salvaged rail along the existing rail bed with on-track equipment to the nearest road crossing, or (2) loading the salvaged rail onto gondola cars for movement over the portion of the rail line that has not yet been salvaged. These activities should cause minimal disruption to the underlying road bed. In addition, none of the salvage activities will occur outside the Company's current vegetation maintenance zone (*i.e.*, 25 feet from the center line). The Company also intends to recycle materials, where possible, by using them on other parts of its system.

The rail line includes two bridges. One bridge is situated over Wolf Creek, and the other bridge is situated over Rices Creek. The removal of the rail from each bridge will be performed in the same manner as described above, and the bridges will remain in place. There is no

¹ For more than two years, the sole use of the Subject Line has been to access a Pickens-owned locomotive shop to repair or rebuild locomotives; there has been no local or overhead traffic on or over the Subject Line.

² For purposes of clarifying earlier information provided to some of the Agencies the term "rail", as used in this context, includes related track material, such as switches, spikes, anchors and bolts.

anticipated construction work related to the abandonment, and no anticipated discharge of dredged or fill material into US waters and/or wetlands.

2. *Transportation System.* (§ 1105.7(e)(2))

Because no shipper has moved traffic over the Subject Line in over two years, existing regional or local transportation systems or patterns should not be adversely affected by the proposed abandonment.

3. *Land Use.* (§ 1105.7(e)(3))

The Columbia, SC office of the Natural Resources Conservation Service ("NRCS") states that the proposed abandonment would "have no significant impact on prime or statewide important farmlands", because the project would occur "in existing right-of-ways". Similarly, the Anderson, SC office of the NRCS states "we do not see any impact to prime farmland, statewide important farmland, or any impact on any other environmental issues". *See* Attachment 2. The Company has not received any Response indicating that the proposed abandonment would be inconsistent with existing land use plans.

The National Geodetic Survey ("NGS") has identified 6 geodetic survey marks that may be in the project area. The NGS directs the Company to consult with NGS "at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are (sic) described on the attached file". *See* Attachment 3. The Company will comply with NGS's directive.

The Coastal Zone Consistency ("CZC") staff of South Carolina's Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management ("DHEC OCRM") states that "DHEC OCRM elects not to conduct a consistency review with the South Carolina Coastal Zone Management Program (SCZMP) as the existing railway is located in

Pickens County, well out of the South Carolina Coastal Zone". In addition, the CZC staff notes that it "does not anticipate any spillover affects from the project on coastal resources". See Attachment 4.

The right of way is suitable for alternative public use. It is a good candidate for a recreational trail, because Pickens County is a tourist destination for recreation related to area lakes and mountains. In addition, the Subject Line is part of a rural/residential corridor that connects the main street business areas of two small towns. These businesses would benefit from the use of the Subject Line as a trail. The Company anticipates that the rail line will become part of the rails to trails program.

4. *Energy.* (§ 1105.7(e)(4))

Because no shipper has moved traffic over the Subject Line for more than two years, the proposed abandonment would not cause diversion of traffic from rail to motor carriers in excess of applicable thresholds in 49 CFR § 1105.7(e)(4) or affect recyclable commodities or the transportation of energy resources, or result in any change in overall energy efficiency.

5. *Air.* (§ 1105.7(e)(5))

Because no shipper has moved traffic over the Subject Line for more than two years, the abandonment of the Subject Line would not cause an increase in rail traffic, rail yard activity or truck traffic in excess of any applicable thresholds in 49 CFR § 1105.7(e)(5). The proposed abandonment will not affect the transportation of ozone depleting materials (such as nitrogen oxide and freon).

6. *Noise.* (§ 1105.7(e)(6))

Because the abandonment would not cause effects in excess of any threshold levels in 49 CFR § 1105.7(e)(5), this issue is not applicable.

7. *Safety.* (§ 1105.7(e)(7))

Because there has been no shipper traffic over the line in more than two years, the proposed abandonment should have no adverse effect on public health or safety. No hazardous materials are expected to be transported over the Subject Line as a result of the proposed abandonment. In addition, the Company is unaware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Subject Line's right-of-way.

8. *Biological Resources.* (§ 1105.7(e)(8))

The U.S. Fish and Wildlife Service ("FWS") identifies "a historical element occurrence" of an endangered plant at a point next to the Subject Line's right of way. Therefore, FWS requested more information about the project. It also requested that the Company contact the South Carolina Department of Natural Resources ("DNR") "regarding potential impacts to state protected species" and the Charleston District Office of the U.S. Army Corps of Engineers ("Corps"), to the extent the project would impact any wetlands. *See* Attachment 5. The Company emailed the FWS additional information about the proposed abandonment, and contacted the DNR. (The Company previously had notified the Corp's Charleston, SC office, and, as discussed in Section 9 of this Environmental Report, has consulted with the Corp's Columbia, SC office.)

The DNR responds that "[p]er the examination of our endangered species database administrator there should not be a problem with the proposed project proceeding", but notes that the "database may be incomplete". In addition, the DNR states that, based on the information the Company provided, "the described activities should have minimal to no impact on natural resources." The DNR notes its assumption that the contractor would use best management practices and encourages the Company to consult with the Corps. *See* Attachment 6. The

Company will instruct the contractor to use best management practices. As discussed below in Section 9 of this Environmental Report, the Company already has consulted with the Corps.

The Company is unaware of any wildlife sanctuaries or refuges or national or state parks or forests that will be adversely affected by the abandonment. The Company notified the National Park Service, both in Atlanta, GA and Washington, D.C. ("NPS"), but has not yet received a Response.

9. *Water.* (§ 1105.7(e)(9))

The Company has not received any Responses from an Agency that the proposed abandonment is inconsistent with applicable federal, state or local water quality standards. As noted in Section 3, above, the CZC staff of South Carolina's DHEC OCRM states that "it does not anticipate any spillover affects from the project on coastal resources". The Company also contacted the EQC Administration³ at the South Carolina Department of Health and Environmental Control ("DHEC"). In addition, as discussed below, the Company has contacted the Stormwater Permitting Manager of the Bureau of Water at DHEC. The Company has not yet received a response from the EQC Administration or the Stormwater division of the Bureau of Water. In order to ensure that the Water Quality division of DHEC's Bureau of Water has been apprised of the proposed abandonment, the Company is sending a copy of this Report directly to Heather Preston, Director of Water Quality at DHEC's Bureau of Water.

The Environmental Protection Agency, Region 4 ("EPA") notes that, based on the information initially provided, it could not determine whether any Clean Water Act-defined waters could potentially be impacted by the proposed abandonment. The EPA also raised the issue of whether (1) the proposed abandonment would require a storm water permit under section

³ EQC is an abbreviation for "Environmental Quality Control".

402 of the Clean Water Act; and (2) the proposed abandonment would adversely affect a municipality's ability to comply with its MS4 permit requirements. *See* Attachment 7. With respect to those two issues, the Company contacted Jill Stewart, the Stormwater Permitting Manager at the DHEC's Bureau of Water and provided her with information regarding the proposed abandonment. In addition, the Company provided the EPA with more information about the project. The Company has not subsequently received comments from the EPA or the Bureau of Water.

In response to the Company's initial letter, the Corps requested additional information, which the Company provided. The Corp concludes that "[a] review of aerial photography, National Wetland Inventory mapping, USDA soil survey mapping and the information [the Company] provided, including the anticipated salvage activities narrative, indicates that the work will not involve work in a Navigable Water of the United States, nor will it entail the placement of fill material in wetlands/waters of the United States." Accordingly, the Corps states that "a Department of the Army permit is not required, and [the Company] may proceed with the project".

The Corps also notes that the following waters are located closely to the proposed abandonment, but not within the construction limits identified by the Company: "Town Creek and two unnamed tributaries, Wolf Creek and an unnamed tributary, Rices Creek, Golden Creek, and a wetland between mile 5 and 6 of the railroad line". The Corps advises that "any work or activity which entails the placement of dredge or fill material in these waters of the United States would require a Department of the Army permit." In addition, the Corp advises that the Company should contact the Bureau of Water of the DHEC, prior to performing work on this project. *See* Attachment 8.

As noted above, the Company already had contacted Ms. Stewart, the Stormwater Permitting Manager of DHEC's Bureau of Water. In a prior correspondence with Ms. Stewart, the Company requested contact information with respect to any other part of the agency that has responsibilities for permits under Section 402 of the Clean Water Act. The Company has not yet received comments from the Bureau of Water.

The Deputy General Counsel of DHEC notes that based on the initial information the Company provided to the agency, she is "not aware at this time of any information, comments, questions, or concerns this agency has regarding the project...." *See Attachment 9.*⁴

10. *Proposed Mitigation.* (§ 1105.7(e)(10))

In the event substantive concerns arise regarding adverse environmental impacts, the Company will work with the appropriate agency, as required, to mitigate any adverse impacts the abandonment and salvage activities may have on the environment.

HISTORIC REPORT

1. *Map.* (§ 1105.8(d)(1))

A map showing the location of the proposed abandonment is attached to this Report as Attachment 1.

2. *Right-of-Way.* (§ 1105.8(d)(2))

The towns through which the Subject Line runs are rural and sparsely populated. The area consists of hilly terrain. The surrounding area is used primarily for agricultural or low-density residential purposes. The width of the right-of-way is generally about 25 feet on each side of the centerline of the track on the Subject Line, but in some areas is less than 25 feet.

3. *Photographs.* (§ 1105.8(d)(3))

⁴ In a subsequent conversation regarding storm water permits, the Deputy General Counsel directed the Company to Ms. Stewart, the Stormwater Permitting Manager at the DHEC's Bureau of Water.

Photographs of the bridges described in Section 4, below are attached to this Report as Attachment 10.

4. *Description of Structures.* (§ 1105.8(d)(4))

There are two bridges on the Subject Line: one bridge is located at or near milepost 2.6 ("Wolf Creek Bridge"), and the other bridge is located at or near milepost 5.9 ("Rices Creek Bridge"). The Wolf Creek Bridge is approximately 50 feet long, and the Rices Creek Bridge is 66 feet, 7 inches long. Although the Company does not know exactly when the bridges were built, they are more than 50 years old and likely were built sometime between 1890 and 1898. A 1957 report in the Company's possession, entitled "Report on Completion of Repairs to Trestles on the Pickens Railroad", concludes that these bridges "have been repaired with wood construction so that both trestles are practically new".

5. *History of Operations.* (§ 1105.8(d)(5))

The Company began operations of the Subject Line in or around 1996. At that time, the Company replaced Pickens Railroad Company, a non-related entity, as the rail operator of the Subject Line. The Company believes rail operations over the subject line first began in 1898; it is uncertain when the current track was installed.

As noted in more detail in Section 1 of the Environmental Report, above, the Company anticipates hiring a contractor to remove rail (and related track materials) from the Subject Line, and recycling such materials, where possible, by using them on other parts of the Company's system. It is intended that the ties, ballast, culverts and bridges will remain in place.

6. *Documents.* (§ 1105.8(d)(6))

The Company does not have copies of engineering plans or drawings for the bridges referred to above.

7. *National Register of Historic Places.* (§ 1105.8(d)(7))

The Company has not received any Response indicating that the affected site and/or structures meet the criteria for listing on the National Register of Historic Places. The Company is not aware of any archaeological resources or previously unknown historic property on the Subject Line. In a Response provided by the South Carolina Department of Archives & History ("DAH"), the State Historic Preservation Office states that it "will provide comments regarding historic and archaeological resources and effects to them once the federal or state agency initiates consultation". DAH also notes that its letter "is for preliminary, informational purposes only and does not constitute consultation or agency coordination with our office...." See Attachment 11.

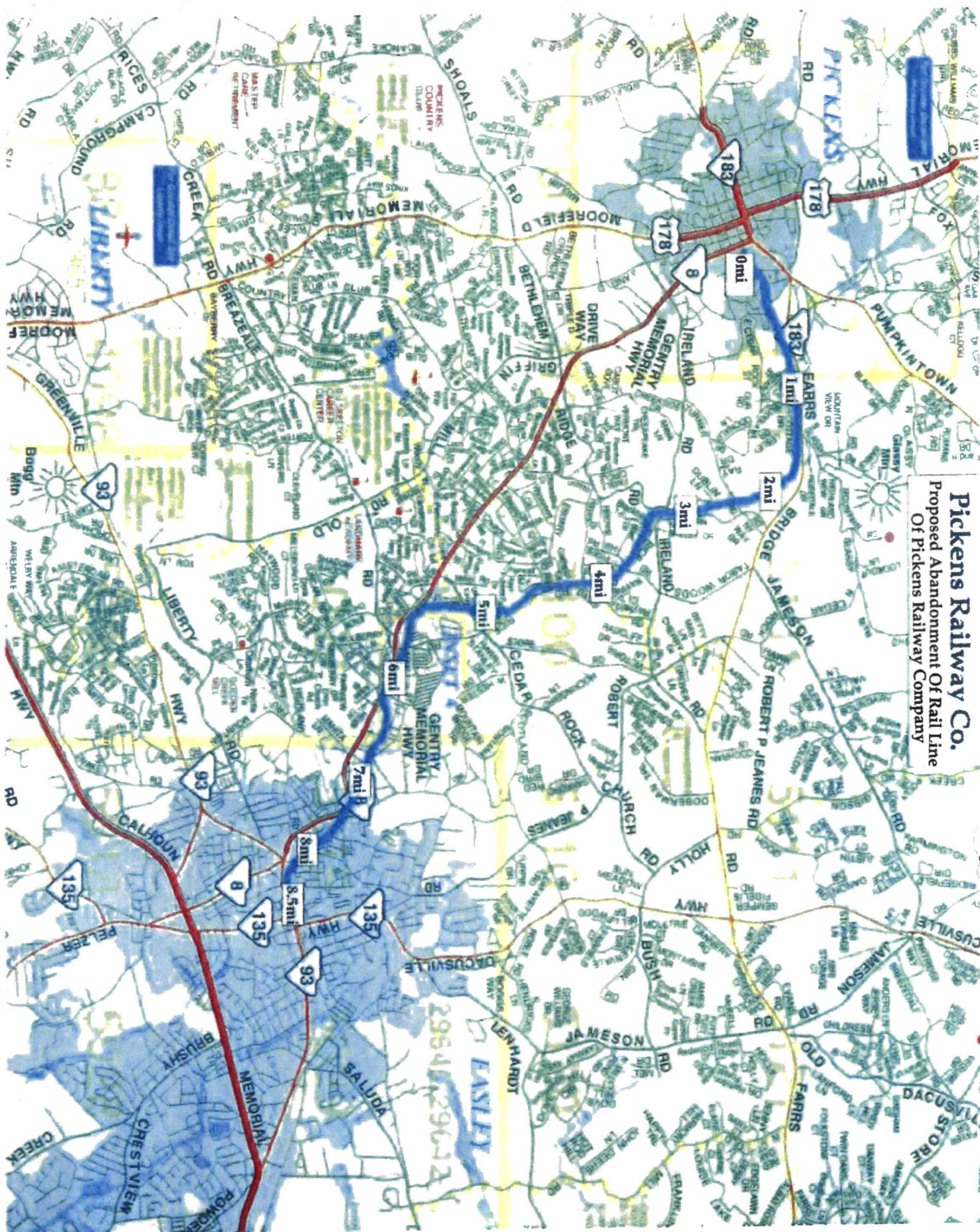
8. *Environmental Conditions.* (§ 1105.8(d)(8))

The Company has not received any Responses indicating there is any known prior subsurface ground disturbance or fill, or any other environmental conditions (naturally occurring or man made) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain. The Company is not aware of any such environmental conditions.

PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 1

Pickens Railway Co. Proposed Abandonment Of Rail Line Of Pickens Railway Company



PICKENTS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 2

United States Department of Agriculture



Natural Resources Conservation Service
1835 Assembly Street, Room 950
Columbia, South Carolina 29201

July 6, 2012

Rose-Michele Nardi
Weiner, Brodsky, Sidman, and Kider
1300 19th Street NW
Washington, DC 20036-1609

Dear Ms. Nardi,

The project listed below is in areas in existing right-of-ways. As such, the project will have no significant impact on prime or statewide important farmlands.

- Docket No. AB-1097, Pickens Railway Company – Abandonment in Pickens County, South Carolina

For future reference, NRCS policy and procedures on prime and unique farmlands are published in the Code of Federal Regulations 7CFR657. The website is: http://www.access.gpo.gov/nara/cfr/waisidx_00/7cfr657_00.html. Detailed information can be found in Section 657.5 on this website.

If you have any questions, please call me at 803.253.3896 or email pam.thomas@sc.usda.gov.

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Thomas".

PAMELA J. THOMAS
State Soil Scientist



1521 Pearman Dairy Road, Anderson, SC 29625 (864) 224-2126 Ext.301

July 25, 2012

In review of the Pickens Railway Company – Abandonment in Pickens County, SC – Docket No. AB-1097, we do not see any impact to prime farmland, statewide important farmland, or any impact on any other environmental issues.

Respectively,

Michael W. Banks
Supervisory District Conservationist

PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 3

-----Original Message-----

From: Simon Monroe [mailto:simon.monroe@noaa.gov]

Sent: Wednesday, August 01, 2012 2:07 PM

To: Rose Michele Nardi

Cc: Surface Transportation Board; Gilbert Mitchell; Simon Monroe

Subject: NGS Response, STB Docket AB-1097

Thank you for sharing your railroad abandonment environmental report for
PICKENS, Pickens County, SOUTH CAROLINA.

Approximately 06 geodetic survey marks may be located in the area described.

If station marks listed below are in the abandonment path, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic
station marks are described on the attached file.

Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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| | ED3318 | 0 1 | 88 / ADJUSTED | N345101.48841 | W0823937.99001 | C ... | G | 39 132

| | ED3319 | 0 1 | 88 / ADJUSTED | N345010.12503 | W0823731.98820 | C ... | G | 39 131

| | ED0400 | . 1 | 88 / ADJUSTED | N345032.56 ... | W0823849.72 ... | C ... | G | P 49

| | ED0399 | . 2 | 88 / ADJUSTED | N345013.32 ... | W0823714.17 ... | C ... | N | P 53

| | ED0398 | . 2 | 88 / ADJUSTED | N344947.72 ... | W0823641.21 ... | C ... | N | P 57

| | ED0385 | . 1 | 88 / ADJUSTED | N345005 | W0823658 | C ... | G | RV 11

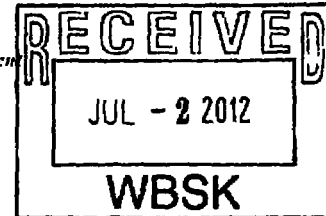
PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 4



Catherine B Templeton, Director

Promoting and protecting the health of the public and the environment



June 27, 2012

Ms. Rose-Michele Nardi
Weiner, Brodsky, Sidman, Kider, PC
1300 19th Street NW 5th Floor
Washington, DC 20036-1609

Re: Pickens Railway Company – Abandonment in Pickens County, SC

Dear Ms. Nardi:

Coastal Zone Consistency (CZC) staff of the Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management has received your letter regarding the above referenced railway abandonment project.

This is to inform you that DHEC OCRM elects not to conduct a consistency review with the South Carolina Coastal Zone Management Program (SCZMP) as the existing railway is located in Pickens County, well out of the South Carolina Coastal Zone. Given the South Carolina Coastal Zone is comprised of the eight coastal counties, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper, CZC staff does not anticipate any spillover affects from the project on coastal resources.

Please do not hesitate to contact me at 843-953-0205 or joynercm@dhec.sc.gov should you have any questions.

Sincerely,

Curtis M. Joyner
Manager, Coastal Zone Consistency Section
Regulatory Division

Cc: Rheta DiNovo

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Avenue • Suite 400 • Charleston, SC 29405 • Phone: (843) 953-0200 • Fax: (843) 953-0201 • www.scdhec.gov

PICKENTS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 5



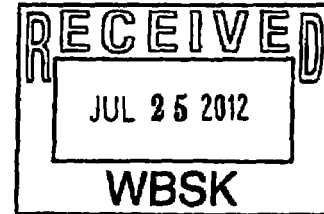
United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



July 18, 2012



Ms. Rose-Michele Nardi
Weiner, Brodsky, Sidman, Kider PC
1300 19th Street NW, 5th Floor
Washington, DC 20036-1609

Re: Pickens Railway Company
Abandonment in Pickens County, South Carolina
Docket No. AB-1097
FWS Log No. 2012-I-0329

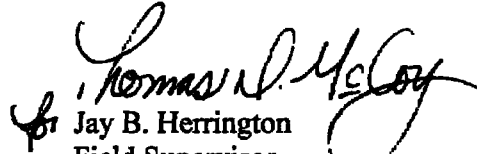
Dear Ms. Nardi:

The U.S. Fish and Wildlife Service (Service) has reviewed the plans for the scheduled railway abandonment. Pickens Railway Company expects to file with the Surface Transportation Board a notice of exemption pursuant to 49 CFR 1152.50 from the prior approval requirements of 49 USC 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. This notice concerns the abandonment of approximately 8.5 miles of track in South Carolina from railroad milepost 0.0 (at or near Pickens, South Carolina) to approximately railroad milepost 8.5 (at or near Easley, South Carolina), which is situated in Pickens County, South Carolina.

Based on our review and the information received, the Service has identified a historical element occurrence of black-spored quillwort (*Isoetes melanospora*), an endangered plant, adjacent to the subject railway's right-of-way near the intersection of Runneymeade Road and Farris Bridge Road. Therefore, the Service requests additional information regarding the proposed abandonment. This must include a description of the specific construction/demolition activities undertaken during railway abandonment, as well as the predicted fate of current right-of-ways (transfer of ownership, development, etc.), subsequent to official abandonment.

Please contact the South Carolina Department of Natural Resources regarding potential impacts to state protected species. If the proposed project will impact wetlands, please contact the U.S. Army Corps of Engineers, Charleston District. If you have any questions, please contact Ms. Morgan Wolf at (843) 727-4707, ext. 219 and reference FWS Log No. 2012-I-0329.

Sincerely,


Jay B. Herrington
Field Supervisor

JBH/MKW

PICKENTS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 6

From: Bob Perry [<mailto:PerryB@dnr.sc.gov>]

Sent: Thursday, August 02, 2012 2:40 PM

To: Rose Michele Nardi

Cc: Greg Mixon

Subject: FW: Pickens Railway Company -- Abandonment in Pickens County, SC -- Docket No. AB-1097

Ms. Nardi,

Per the examination of our endangered species database administrator there should not be a problem with the proposed project proceeding. However, we caution that our database may be incomplete. In reading over the description of the proposed activities provided by you, our opinion is that the described activities should have minimal to no impact on natural resources. We assume that best management practices will be implemented by the contractor. We encourage your consultation with the U. S. Army Corps of Engineers (USACE), Charleston District even though you do not anticipate fill in wetlands but since you do indicate the potential for wetland and stream impacts. Even if these types of impacts are not intended, they may be negligible or minor, and may qualify under a Nationwide or General Permit; however, you will be required to get that authorization from the USACE. Thanks,
Bob

Bob Perry

Director, Office of Environmental Programs
SC Department of Natural Resources
PO Box 167
Columbia, SC 29202
O: 803-734-3766
F: 803-734-9809



From: Julie Holling

Sent: Wednesday, August 01, 2012 12:46 PM

To: Bob Perry

Subject: RE: Pickens Railway Company -- Abandonment in Pickens County, SC -- Docket No. AB-1097

Bob,

I'm only seeing one historic record of *Isoetes melanospora* (Black-spored Quillwort), which is listed as federally endangered. However, given the historic nature of the record, the fact that it was roughly located on the map, and that it is a bog species, I doubt that this project will impact the species, if it does still exist in the project vicinity.

Julie

From: Bob Perry

Sent: Wednesday, August 01, 2012 11:40 AM

To: Julie Holling

Subject: FW: Pickens Railway Company -- Abandonment in Pickens County, SC -- Docket No. AB-1097

Julie, can you review the below and let me know if we would have any concerns regarding the known locations of any state protected or species of conservation interest? I believe this would be a minimal impact operation, and as long as they employ best management practices they should be ok. Thanks, Bob

PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 7

From: Beth Walls [<mailto:Walls.Beth@epamail.epa.gov>]

Sent: Tuesday, July 24, 2012 11:56 AM

To: Rose Michele Nardi

Cc: Heinz Mueller

Subject: Pickens Railway Company – Abandonment in Pickens County, SC – Docket No. AB-1097

Dear Ms. Nardi:

I am responding to your June 18, 2012, letter alerting US. EPA, Region 4, to the proposed abandonment of approximately 8.5 miles of track between mileposts (MP) 0.0 (near Pickens) and 8.5 (near Easley) all within Pickens County, South Carolina.

Our response to your request for information or comments regarding this abandonment is by necessity limited because only a street map was provided, no environmental information, e.g., affected environment and anticipated environmental impacts and no description of the proposed action.

It is unclear whether the proposed action will involve any new road construction, the discharge of dredged or fill material into U.S. waters and/or wetlands, and/or the underlying road bed will be disturbed.

For your information: EPA delegates to the states, pursuant to the Clean Water Act (CWA), the responsibility to develop and maintain state water quality standards. Compliance with the State of South Carolina's water quality standards is sufficient to meet the federal water quality standards.

The requirement for a federal CWA permit is triggered by the presence of CWA-defined waters. It is unclear from the map provided whether any such waterways are in the vicinity of the proposed action. Nor does your letter specifically indicate whether or not any surface water bodies (i.e., potential CWA-defined waters) exist within the vicinity of the proposed action. Consequently, it is indeterminable whether CWA-defined waters exist in the vicinity of potentially be impacted.

There may be the potential for storm water related runoff associated with the proposed action, which may trigger a CWA 402 storm water permit. EPA has delegated its CWA Section 402 - implementation to the State of South Carolina. Thus, compliance with the State's CWA-equivalent storm water permit is sufficient to meet the federal CWA requirements.

Additionally, I would recommend the appropriate City departments responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. Municipalities are required to obtain a MS4 permit from the State. EPA anticipates Pickens Railway Company, as a corporate citizen, would be reluctant for any of its activities to possibly cause any municipalities to be unable to comply with their MS4 permit requirements. To obtain the appropriate municipality contact, the SC Department of Health and Environmental Control storm water permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls

Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AFC, 61 Forsyth St.,
Atlanta, Ga 30303-8960



PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 8

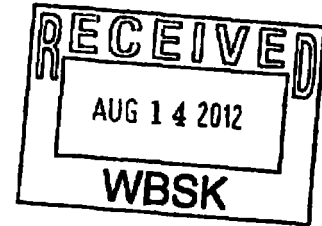


REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
1835 Assembly Street, Room 865B-1
COLUMBIA, SOUTH CAROLINA 29201

August 6, 2012

Regulatory Division



Ms. Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street NW 5th Floor
Washington, DC 20036-1809

SUBJECT: SAC-2012-00674-6JL

Dear Ms. Nardi:

This is in response to your recent letter wherein you inquired as to the necessity of obtaining a Department of the Army permit for a proposed project which involves the abandonment of approximately 8.5 miles of railroad track in South Carolina from railroad mile post 0.0, near Pickens, Pickens County, South Carolina to railroad mile post 8.5 near Easley, Pickens, Pickens County, South Carolina. The project area is depicted on the drawing you submitted which was prepared by your office, dated February/March, 2012, and entitled "Pickens Railway Company, Proposed Abandonment of Rail Line of Pickens Railway Company".

A review of aerial photography, National Wetland Inventory mapping, USDA soil survey mapping and the information you provided, including the anticipated salvage activities narrative, indicates that the work will not involve work in a Navigable Water of the United States, nor will it entail the placement of fill material in wetlands/waters of the United States. Therefore, a Department of the Army permit is not required, and you may proceed with the project.

However, there are areas within the jurisdiction of this office located in close proximity to your project area as referenced above. These waters of the United States are as follows: Town Creek and two unnamed tributaries, Wolf Creek and an unnamed tributary, Rices Creek, Golden Creek, and a wetland between mile 5 and 6 of the railroad line. These jurisdictional areas are not within your limits of construction as depicted on the above referenced drawing. They are only noted for your information and convenience. Please be advised, that any work or activity which entails the placement of dredge or fill material in these waters of the United States would require a Department of the Army permit.

In future correspondence concerning this matter, please refer to SAC-2012-00674-6JL. You may need state or local assent. Prior to performing any work, you should contact the South

Carolina Department of Health and Environmental Control, Bureau of Water. A copy of this letter is being forwarded to that agency for their information.

If you have any questions concerning this matter, please contact me at 803-253-3400.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nicole Liette', with a stylized flourish at the end.

Nicole Liette
Project Manager

Enclosures:
Customer Service Survey

Copy Furnished:

Mr. Chuck Hightower
South Carolina Department of
Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 9

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
L. Clarence Batts, Jr.
Ann B. Kiriol, DDS
John O. Hutto, Sr., MD

July 6, 2012

Ms. Rose Michelle Nardi
Weiner, Brodsky, Sidman, Kider, PC
1300 19th Street NW, 5th Floor
Washington, DC 20036-1609

Re: *Pickens Railway Company – Abandonment in Pickens County, South
Carolina*
Docket No. AB-1097

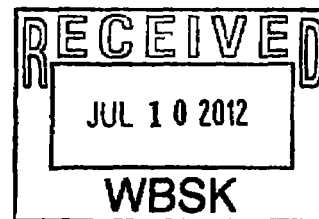
Dear Ms. Nardi:

In response to your letter, dated June 18, 2012, based on the information provided, I am not aware at this time of any information, comments, questions, or concerns this agency has regarding the project you describe.

Very truly yours,

Jacquelyn S. Dickman
Deputy General Counsel

JSD/csh



PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

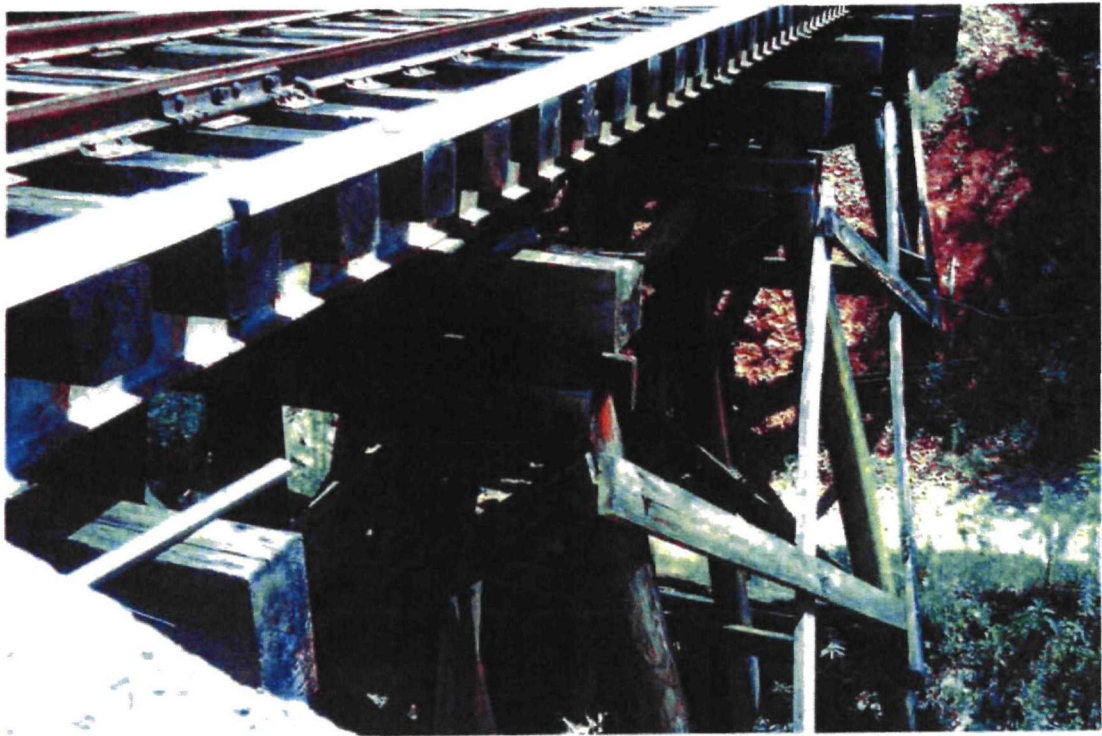
ATTACHMENT 10



WOLF CREEK TRESTLE



WOLF CREEK TRESTLE



WOLF CREEK TRESTLE



RICES CREEK TRESTLE



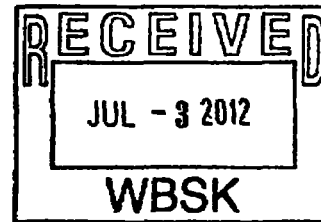
RICES CREEK TRESTLE

PICKENS RAILWAY COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
DOCKET NO. AB-1097

ATTACHMENT 11

June 28, 2012

Ms. Rose-Michele Nardi
Weiner, Brodsky, Sidman, Kider, PC
1300 19th St., NW, 5th floor
Washington, DC 20036-1609



Re: Pickens Railway Company Abandonment
Pickens County, South Carolina
SHPO Project No. 12-RD0222; Docket No. AB-1097

Dear Ms. Nardi:

Our office has received your letter dated June 18 that you submitted as part of the National Historic Preservation Act (NHPA) consultation for the project referenced above. This letter is for preliminary, informational purposes only and does not constitute consultation or agency coordination with our office as defined in 36 CFR 800: "Protection of Historic Properties" or by any state regulatory process.

Our office maintains several resources for identifying historic properties:

ArchSite is an online Geographic Information System (GIS) mapping program that includes all known historic and archaeological sites in South Carolina. Information on ArchSite can be found here:
<http://archsite.cas.sc.edu/ArchSite/>.

A list of properties listed in the National Register of Historic Places can be found here:
<http://www.nationalregister.sc.gov/nrlinks.htm>.

Additional historic contexts, survey reports, and related historic property documents can be found here:
<http://shpo.sc.gov/research/Pages/conreps.aspx>. These sources should assist you in identifying historic properties for consultation under the NHPA.

The State Historic Preservation Office will provide comments regarding historic and archaeological resources and effects to them once the federal or state agency initiates consultation. Project Review Forms and additional guidance regarding our office's role in the compliance process and historic preservation can be found on our website at: <http://shpo.sc.gov/programs/revcomp>.

If you have any questions, please contact me at (803) 896-6183 or at dobrasko@scdah.state.sc.us.

Sincerely,

Rebekah Dobrasko

Rebekah Dobrasko
Supervisor of Compliance, Tax Incentives, and Survey
State Historic Preservation Office

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Environmental and Historic Report was served on
August 17, 2012, by first-class mail, postage pre-paid, on the following parties:

U.S. Department of Agriculture
Natural Resources Conservation Service
1521 Pearman Dairy Road
Anderson, SC 29625
Attn: Michael W. Banks, Supervisory
District Conservationist

U.S. Department of Agriculture
Natural Resources Conservation Service
1835 Assembly Street, Room 950
Columbia, SC 29201
Attn: Pamela J. Thomas, State Soil Scientist

Department of Commerce – NOAA
National Geodetic Survey; NGS12
1315 East West Highway
SSMC3 Room #9292
Silver Spring, MD 20910-3282
Attn: Simon Monroe

National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303
Attn: David Vela, Regional Director

U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

U.S. Environmental Protection Agency
Region 4, NEPA Program Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960
Attn: Beth Walls, Environmental Scientist

U.S. Department of Agriculture
Forest Service
Mailstop: 1113
1400 Independence Avenue, SW
Washington, D.C. 20250-1113

Office of Counsel
Headquarters
U.S. Army Corps Of Engineers
441 G Street, NW
Washington, D.C. 20314-1000

U.S. Department of the Interior
Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
Attn: Jay B. Herrington, Field Supervisor

South Carolina Department of Health
and Environment Control (SCDHEC)
2600 Bull Street
Columbia, SC 29201
Attn: Jacquelyn S. Dickman, Deputy General
Counsel

South Carolina Ocean and Coastal
Resources Management - DHEC-OCRM
Regulatory Division
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
Attn: Curtis M. Joyner
Manager of Coastal Zone
Consistency Section

South Carolina State Clearinghouse
1205 Pendleton Street
Suite 529
Columbia, SC 29201

South Carolina Department of Archives &
History
State Historic Preservation Office
8301 Parklane Road
Columbia, SC 29223-4905
Attn: Rebekah Dobrasko
Supervisor of Compliance, Tax
Incentives, and Survey

Department of Interior
National Park Service
National Center for Recreation and
Conservation
1201 I Street, NW, 9th Floor
Washington, D.C. 20005

J. Chappell Hurst, Jr.
County Administrator
Pickens County Administration Facility
222 McDaniel Avenue, B-2
Pickens, SC 29671

Commissioner Randy Mitchell
Public Service Commission of South
Carolina
District 3
101 Executive Center Drive, Suite 100
Columbia, SC 29210

MTMCTEA
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Ste. 130
Newport News, VA 23606
Attn: David P. Dorfman

Department of Interior
National Park Service
Land Resources Division
1201 I Street, NW
9th Floor
Washington, D.C. 20005
Attn: Bill Shaddox

SC Department of Natural Resources
Office of Environmental Programs
P.O. Box 167
Columbia, SC 29202
Attn: Bob Perry, Director

Department of the Army
Charleston District, Corps of Engineers
1835 Assembly Street, Room 865B-1
Columbia, SC 29201
Attn: Nicole Liette, Project Manager

SCDHEC - EQC Bureau of Water
Division of Stormwater, Construction,
Agricultural and Dams Permitting
2600 Bull Street
Columbia, SC 29201
Attn: Jill Stewart, Stormwater Permitting
Manager

Anderson Soil & Water Conservation District
1521 Pearman Dairy Road
Anderson, SC 29625
Attn: Pamela Richey, District Coordinator

South Carolina Department of Health
and Environment Control (SCDHEC)
2600 Bull Street
Columbia, SC 29201
Attn: EQC Administration

SCDHEC - EQC Bureau of Water
Division of Water Quality
2600 Bull Street
Columbia, SC 29201
Attn: Heather Preston, Director


Rose-Michele Nardi

SAMPLE TRANSMITTAL LETTER - REPORT

**WEINER
BRODSKY
SIDMAN
KIDER PC**

August 17, 2012

BY FIRST-CLASS MAIL

U.S. Department of Agriculture
Natural Resources Conservation Service
1521 Pearman Dairy Road
Anderson, SC 29625
Attn: Michael W. Banks, Supervisory District
Conservationist

Re: Docket No. AB-1097, Pickens Railway Company – Abandonment in Pickens
County, South Carolina

Dear Mr. Banks:

On or after September 6, 2012, Pickens Railway Company ("PICK") expects to be filing with the Surface Transportation Board (the "Board") a verified notice of exemption seeking authority to abandon approximately 8.5 miles of rail line located in Pickens County, South Carolina (the "Subject Line"). The Subject Line runs from approximately milepost 0.0 (at or near Pickens, SC) to approximately milepost 8.5 (at or near Easley, SC). The Subject Line runs through United States Postal ZIP Codes 29671 and 29641. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, which includes a map of the affected area.

PICK is providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 E. Street, SW, Washington, DC 20423, telephone (202) 245-0295 and refer to Docket No. AB-1097. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to PICK's representative) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the proposed abandonment. If there are any questions concerning this proposal, please contact PICK's representative directly. PICK's representative in this matter is Rose-Michele Nardi who may be contacted by telephone at (202) 628-2000 or by

**WEINER
BRODSKY
SIDMAN
KIDER PC**

August 17, 2012
Page two

mail at Weiner Brodsky Sidman Kider, PC, 1300 19th Street, NW, Fifth Floor, Washington, DC 20036.

Sincerely,


Rose-Michele Nardi

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT D

**SUBSEQUENT CORRESPONDENCE TO
PICKENS RAILWAY COMPANY**



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

August 21, 2012

Ms. Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street NW 5th Floor
Washington, DC 20036-1609

Re: Docket No. AB-1097, Pickens Railway Company – Abandonment in Pickens County, S.C.

Ms. Nardi:

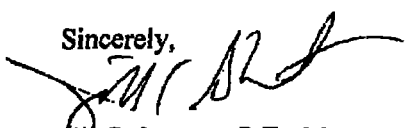
I have completed a review of the Environmental and Historical Report for the abandonment by Pickens Railway Company of 8.5 miles of rail line in Pickens County. Based on information provided in the report, the scope of the project involves removal of rail, switches, spikes, anchors, and bolts, with ties and ballast remaining in place. This method of abandonment provides minimal potential for land disturbance; therefore, it is my opinion this project is not subject to requirements for stormwater permitting under either regulation 72-300 (Standards for Stormwater Management and Sediment Reduction) or to the NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities (SCR100000), which is issued pursuant to requirements found in Section 402 of the CWA.

As noted in the email from Beth Walls of EPA Region 4, this project is located in an area where Pickens County is a permitted MS4. The MS4 permit requires Pickens County to implement a program establishing requirements for stormwater management from construction activity and from post-construction activities at new and redeveloped sites. The contact for Pickens County is:

Scottie Ferguson
Pickens County Stormwater Management
222 McDaniel Ave, B21
Pickens, SC 29671
(864) 898-5789

Contractors should implement appropriate controls or procedures to ensure that the material that is removed is disposed of in a proper manner causing no impacts to adjacent properties or Waters of the State. Failure to implement such controls which results in discharge of sediment to Waters of the State and/or adjacent properties may subject the contractor and/or railroad to applicable penalties under the S. C. Pollution Control Act. Additional construction activities beyond the scope outlined in the Environmental and Historical Report may require permitting.

Sincerely,



Jill C. Stewart, P.E., Manager
Stormwater Permitting Section
Bureau of Water

-----Original Message-----

From: Liette, Nicole SAC [mailto:Nicole.M.Liette@usace.army.mil]

Sent: Monday, August 27, 2012 1:34 PM

To: Rose Michele Nardi

Subject: RE: Rail line abandonment - Pickens Railway Company, STB Docket No. AB-1097 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ms. Nardi,

I was going through the letter and information you mailed dated August 17, 2012. I noticed an e-mail from Bob Perry, Director, Office of the Environmental Programs SC Department of NR dated Aug. 2, 2012 with the subject: FW: Pickens Railway Company--Abandonment in Pickens County, SC --Docket No. AB-1097. In this e-mail the writes "We encourage your consultation with USACE, Charleston District even though you do not anticipate fill in wetlands but since you do indicate the potential for wetland and stream impacts". I do not recall reading any potential impacts for wetlands or streams. Could you please clarify what these potential impacts could be?

Thank you,

Nicole

From: Greg Mixon [mailto:MixonG@dnr.sc.gov]

Sent: Wednesday, August 29, 2012 2:19 PM

To: Rose Michele Nardi

Subject: FW: Pickens Railway Company -- Abandonment In Pickens County, SC -- Docket No. AB-1097

Ms. Nardi – We have received a copy of the Environmental and Historic Report for the above referenced project under a cover letter dated August 17, 2012. The South Carolina Department of Natural Resources has previously commented on this project as noted below. We have no further concerns or comments. If you have any questions or need more information please contact me.

Greg Mixon

Inland Environmental Coordinator

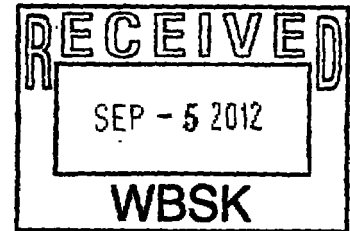
SC Department of Natural Resources

Ph (803)734-3282 Fax (803)734-9809

mixonG@dnr.sc.gov



Catherine B. Templeton, Director
Promoting and protecting the health of the public and the environment



August 29, 2012

Ms. Rose-Michele Nardi
Weiner, Brodsky, Sidman, Kider, PC
1300 19th Street NW 5th Floor
Washington, DC 20036-1609

Re: Pickens Railway Company rail line abandonment, Pickens County, SC

Dear Ms. Nardi:

The Department's Coastal Zone Consistency (CZC) Staff has received the Pickens Railway Company Abandonment report, dated August 17, 2012.

Department CZC Staff has reviewed the report and will not offer any comments for the reasons stated in my letter dated June 27, 2012. Given the railway is located in Pickens County and not in the eight county Coastal Zone, CZC Staff believes it would be inappropriate to offer comments on a project that is not located in our indirect jurisdiction. Due to the location of the site, the Department does not foresee any spillover affects on coastal resources.

Please do not hesitate to contact me at 843-953-0205 or joynercm@dhec.sc.gov should you have any questions.

Sincerely,

Curtis M. Joyner
Manager, Coastal Zone Consistency Section
Regulatory Division

Cc: Rheta DiNovo

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT E

**RESPONSE OF PICKENS RAILWAY COMPANY
TO SUBSEQUENT CORRESPONDENCE**

**WEINER
BRODSKY
SIDMAN
KIDER PC**

September 4, 2012

BY OVERNIGHT MAIL

Scottie Ferguson
Pickens County Stormwater Management
222 McDaniel Ave., B21
Pickens, SC 29671

Re: Pickens Railway Company – Abandonment in Pickens County,
South Carolina – Docket No. AB-1097

Dear Ms. Ferguson:

In the next few days, Pickens Railway Company (the "Company") expects to file with Surface Transportation Board (the "Board") a notice of exemption pursuant to 49 C.F.R. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. The abandonment concerns approximately 8.5 miles of track in South Carolina from approximately railroad milepost 0.0 (at or near Pickens, SC) to approximately railroad milepost 8.5 (at or near Easley, SC), which line is situated wholly in Pickens County, SC. The rail line runs through United States Postal Zip Codes 29671 and 29641.

Pickens is notifying you of this filing because, as an MS4 permit holder, you may have an interest in this project. Attached hereto as Attachment 1 is a letter from Jill C. Stewart, Manager of the Stormwater Permitting Section of the Bureau of Water, at South Carolina's Department of Health and Environmental Control. Attached hereto as Attachment 2 is a copy of the related Environmental and Historic Report that provides more information regarding the project.

**WEINER
BRODSKY
SIDMAN
KIDER** PC
Scottie Ferguson

-2-

September 4, 2012

Our law firm is the Company's representative in this matter. If you have any questions or comments regarding this project, I can be reached at the address and telephone number listed above on the letterhead.

Very truly yours,


Rose-Michele Nardi

Lynnette Tellis

From: Rose Michele Nardi
Sent: Monday, August 27, 2012 2:13 PM
To: 'Liette, Nicole SAC'
Subject: FW: Pickens Railway Company -- Abandonment in Pickens County, SC -- Docket No. AB-1097

Ms. Liette,

Below is the email I sent to Mr. Perry regarding the project. In the fourth paragraph I note: "(According to the National Wetlands Inventory map, there also appears to be a wetlands area in Easley, but the Company cannot tell from the map whether the area is proximate to the rail line.)" This parenthetical is consistent with information that you had provided me (i.e., in a July 12th email, you noted that the National Wetland Inventory (NWI) map indicated that the subject line might go through a wetland).

In that same paragraph, I note that the subject line includes a bridge over the Wolf Creek and a bridge over the Rice Creek. I assume Mr. Perry's statement regarding the potential for wetland and stream impacts was based on the potential proximity to a wetland area and the fact that the subject line runs over two creeks. If you would like to talk with Mr. Perry regarding his comments, his telephone number is 803-734-3766.

Regards,

Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Suite 500
Washington, DC 20036-1609
Ph: 202.628.2000
Fax: 202.628.2011

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From: Rose Michele Nardi
Sent: Wednesday, August 01, 2012 11:32 AM
To: 'perryb@dnr.sc.gov'
Subject: Pickens Railway Company -- Abandonment in Pickens County, SC -- Docket No. AB-1097

Mr. Perry,

Per our conversation earlier today, below is some information regarding the above-referenced rail abandonment proceeding.

Pickens Railway Company intends to file with the Surface Transportation Board a notice of exemption pursuant to 49 C.F.R. section 1152.50 from the prior approval requirements of 49 U.S.C. section 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. The subject rail line is approximately 8.5 miles of track in South Carolina that runs from approximately railroad milepost 0.0 (at or near Pickens, SC) to approximately railroad milepost 8.5 (at or near Easley, SC). The rail line is situated wholly in Pickens County, SC and runs through United States Postal Zip Codes 29671 and 29641.

In addition to ceasing rail service, the Company plans to hire a contractor to salvage the line. The salvage activities generally will involve unbolting jointed rail with hand tools, and will be similar to the type of activity performed when rail on an active line is repaired and/or replaced. Neither the ties nor the ballast will be removed. The rail will be disposed either (1) by dragging the salvaged rail along the existing rail bed with on-track equipment to the nearest road crossing, or (2) loading the salvaged rail onto gondola cars for movement over the portion of the rail line that has not yet been salvaged. These activities should cause minimal disruption to the underlying road bed. In addition, none of the salvage activities will occur outside the Company's current vegetation maintenance zone (i.e., 25 feet from the center line).

There are only two bodies of water under or along the subject line: the Wolf Creek and Rice Creek. (According to the National Wetlands Inventory map, there also appears to be a wetlands area in Easley, but the Company cannot tell from the map whether the area is proximate to the rail line.) The rail line includes one bridge over each of the two creeks. The removal of the rail from each bridge will be performed in the same manner as described above, and the bridges will remain in place. There is no anticipated construction work related to the abandonment, and no anticipated discharge of dredged or fill material into US waters and/or wetlands.

The subject line is a good candidate for trail use, and the Company anticipates that the rail line will become part of the rails to trails program.

Pursuant to 49 C.F.R. section 1105.7 and 1105.8, we will prepare an environmental and historic report assessing the abandonment, and file it with the Surface Transportation Board. The Fish and Wildlife Service requested that we contact your agency regarding potential impacts to state protected species. Please provide me with any information or comments, or direct any questions to me that you may have regarding the abandonment. If it is your opinion that the above-described abandonment does not raise any concerns from the standpoint of your agency, please let me know that as well.

Regards,

Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Suite 500
Washington, DC 20036-1609
Ph: 202.628.2000
Fax: 202.628.2011

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT F

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

Based on the attached affidavit, I hereby certify to the following: A newspaper notice alerting the public to the proposed abandonment of the Subject Line was published on Sunday, August 19, 2012 in The Greenville News (a newspaper of general circulation in Pickens County, SC). A copy of the affidavit of publication is attached hereto as Attachment 1.



Rose-Michele Nardi

ATTACHMENT 1
AFFIDAVIT OF PUBLICATION

The Greenville News

greenvilleonline.com

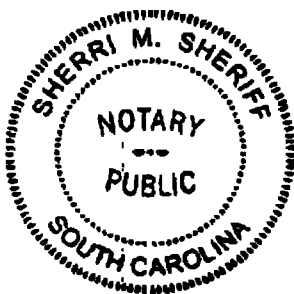
AFFIDAVIT

I, Susan Mullinas, being the Advertising Sales Agent for
Gannett, Inc., do hereby testify that the attached legal notice was published on the following dates.

August 19, 2012, in
The Greenville News and for The Tribune Times

Susan Mullinas
Sales Agent for Gannett, Inc.

Sherri M. Sheriff
Sherri M. Sheriff
Notary Public for the State of South Carolina
My Commission Expires April 7, 2019



Ad Text:

4750524NOTICE Pickens Railway Company gives notice that on or after September 6, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of an approximately 8.5 - mile line of railroad from approximate railroad milepost 0.0 (at or near Pickens, SC) to approximate milepost 8.5 (at or near Easley, SC), which traverses through United States Postal Service ZIP Codes 29671 and 29641 in Pickens County, SC. The proceeding will be docketed as No. AB-1097. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Rose-Michele Nardi, Weiner Brodsky Sidman Kider PC, 1300 19th Street, Fifth Floor, NW, Washington, DC 20036, (202) 628-2000.

THANK YOU FOR YOUR ADVERTISEMENT!

If I can be of further assistance, please call : 864-298-4100

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1097

**PICKENS RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
PICKENS COUNTY, SOUTH CAROLINA**

EXHIBIT G

**CERTIFICATE OF SERVICE
OF JUNE 18, 2012, LETTER AND
SAMPLE LETTER**

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2012, notice of the proposed abandonment was deposited in the mail for sending by first-class mail, postage prepaid to the following parties:

U.S. Department of Agriculture
Natural Resources Conservation Service
1521 Pearman Dairy Road
Anderson, SC 29625
Attn: Mike Banks

U.S. Department of Agriculture
Natural Resources Conservation Service
Strom Thurmond Federal Building
1835 Assembly Street, Room 950
Columbia, SC 29201-2448
Attn: Ann English, State Conservationist

Department of Commerce – NOAA
National Geodetic Survey; NGS12
1315 East West Highway
SSMC3 Room #9292
Silver Spring, MD 20910-3282

National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303
Attn: David Vela, Regional Director

U.S. Army Corps. of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

U.S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Room #9, T-25
Atlanta, GA 30303-3104

U.S. Department of Agriculture
Forest Service
Mailstop: 1113
1400 Independence Avenue, SW
Washington, D.C. 20250-1113

Office of Counsel
Headquarters
U.S. Army Corps. Of Engineers
441 G Street, NW
Washington, D.C. 20314-1000

U.S. Fish & Wildlife Service
Century Center
1875 Century Boulevard
Atlanta, GA 30345

South Carolina Department of Health
and Environment Control (SCDHEC)
Attention: EQC Administration
2600 Bull Street
Columbia, SC 29201

South Carolina Ocean and Coastal
Resources Management
DHEC – OCRM
1362 McMillan Avenue
Suite 400
Charleston, SC 29405

South Carolina State Clearinghouse
1205 Pendleton Street
Suite 529
Columbia, SC 29201

South Carolina Department of Archives
and History
8301 Parklane Road
Columbia, SC 29223-4905

Department of Interior
National Park Service
National Center for Recreation and
Conservation
1201 I Street, NW, 9th Floor
Washington, D.C. 20005

J. Chappell Hurst, Jr.
County Administrator
Pickens County Administration Facility
222 McDaniel Avenue, B-2
Pickens, SC 29671

Commissioner Randy Mitchell
Public Service Commission of South
Carolina
District 3
101 Executive Center Drive, Suite 100
Columbia, SC 29210

MTMCTEA
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Ste. 130
Newport News, VA 23606
Attn: David P. Dorfman

Department of Interior
National Park Service
Land Resources Division
1201 I Street, NW
9th Floor
Washington, D.C. 20005
Attn: Bill Shaddox


Rose-Michele Nardi

**WEINER
BRODSKY
SIDMAN
KIDER PC**

SAMPLE TRANSMITTAL LETTER – INITIAL LETTER

June 18, 2012

BY FIRST-CLASS MAIL

South Carolina Department of Archives
and History
8301 Parklane Road
Columbia, SC 29223-4905

Re: Pickens Railway Company
--Abandonment in Pickens County, South Carolina --
Docket No. AB-1097

Dear Sir or Madam:

On or after July 31, 2012, Pickens Railway Company ("PICK") expects to file with the Surface Transportation Board (the "Board") a notice of exemption ("Notice") pursuant to 49 C.F.R. § 1152.50 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. This notice concerns the abandonment of approximately 8.5 miles of track in South Carolina from approximately railroad milepost 0.0 (at or near Pickens, SC) to approximately railroad milepost 8.5 (at or near Easley, SC), which line is situated wholly in Pickens County, SC (the "Subject Line"). The Subject Line runs through United States Postal Zip Codes 29671 and 29641.

No industry located on the Subject Line has either shipped or received any carloads by rail for more than two years. Furthermore, no overhead traffic currently travels over the Subject Line.

A map identifying the location of the Subject Line is attached hereto as Exhibit A. The proceeding will be docketed as No. AB-1097. Based on information in PICK's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in PICK's possession will be made available promptly to those requesting it.

June 18, 2012

Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, along with its Notice, PICK must file with the Board an environmental and historic report (the "Report") assessing the abandonment. The environmental portion of the Report must address, among other things, the issues listed below, which may be of interest to your agency:

- The effect on any endangered or threatened species or critical habitats.
- The effect on any wildlife sanctuaries or national or state parks or forests.
- Whether any designated wetlands, 100-year flood plains or designated coastal zone areas will be affected.

The historic portion of the Report must address, among other things, the following issues:

- Whether any structures located on the Subject Line, or the area on which the line is located, should be listed on the National Register of Historic Places.
- Whether any environmental condition exists that could impede archeological activities.

The purpose of this letter is to alert you to the proposed abandonment and to request that you furnish our firm with any information or comments, or direct any questions to us that you may have regarding the abandonment. If it is your opinion that the above-described abandonment does not raise any concerns from the standpoint of your agency, please furnish our firm with a letter to that effect. A copy of your letter will be attached to PICK's Report to ensure that the Board is fully apprised of your position. We would appreciate a response to this letter as soon as possible so that your views can be incorporated into the Report, which will be sent to you on or about July 11, 2012.


Thank you for your attention to this matter.

Very truly yours,


Rose-Michele Nardi

VERIFICATION

I, Chipley Johnson, declare and verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file this Verification.


Chipley Johnson
President
Pickens Railway Company

Dated: September 7, 2012